

Magistrate to investigate witness tampering claims in Utah man's Oklahoma City bombing records case

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U.S. District Judge Clark Waddoups has appointed a federal magistrate to investigate allegations that the FBI engaged in witness tampering during a trial on a Utah attorney's lawsuit seeking records on the Oklahoma City bombing.

Under an order issued Thursday, Magistrate Judge Dustin Pead will look into whether a witness for attorney Jesse Trentadue was coerced into backing out of testifying at the trial last summer and whether the FBI complied with an order by Waddoups to investigate the tampering claim. Pead will gather records and attend the depositions of the witness and others, then prepare a report on the matter for the judge.

Trentadue filed suit against the FBI in 2008 claiming the bureau had failed to conduct a search reasonably calculated to locate all records in the bureau's possession that he requested under the federal Freedom of Information Act (FOIA). The FBI says it conducted an "exhaustive" search for the requested documents and videos.

Trentadue believes the records he is seeking contain information related to the death of his brother in a federal prison in Oklahoma City a few months after the April 19, 1995, bombing that killed 168 people.

The death of Kenneth Trentadue was ruled a suicide, but his family believes he was mistaken for a bombing conspirator and killed in an interrogation that got out of hand. Federal officials deny the allegation.

The tampering claim came up during a bench trial on the suit in July after Trentadue learned a witness, John Matthews, whom he describes as a former undercover operative for the government, had decided not to testify. According to court documents, Matthews planned to testify that he believed the FBI was monitoring bomber Timothy McVeigh in the run-up to the 1995 detonation at the Murrah Building in Oklahoma City.

Trentadue has argued there is a "strong possibility" a surveillance camera recorded a passenger riding with McVeigh in a truck filled with explosives the day of the bombing — and that the videotape "would show the passenger was an FBI undercover operative."

The FBI has denied having any advance knowledge of a bombing plot.

At the end of the trial, Waddoups took the issue of whether the FBI did a reasonable search under consideration and a ruling is pending. He also ordered the FBI to submit a report on any communications between the bureau and Matthews.

The FBI report said the evidence showed there was no witness tampering. However, Waddoups said the report was incomplete and that the FBI was late in filing it with the court.

In his Thursday order, the judge said that his findings on the records issue will depend on Pead's probe.

"Depending on the outcome of the investigation, it might become necessary to reopen the bench trial to allow [Trentadue] to make an evidentiary proffer," Waddoups wrote. "Any ultimate conclusion as to the FOIA searches, therefore, would be premature at this time."

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